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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 JULIE CAMACHO KAWAGISHI, | No. 2:22-CV-0919-DMC-P  
12 Plaintiff, |  
13 v. | ORDER  
14 OCWEN LOAN SERVICING, LLC, et al., |  
15 Defendants.

17 Plaintiff, who is proceeding pro se, brings this civil action. Pending before the  
18 Court is Defendants' unopposed motion, ECF No. 10, to strike Plaintiff's first amended  
19 complaint.

20 Plaintiff initiated this action with a complaint filed on February 28, 2022, in the  
21 Butte County Superior Court. See ECF No. 1-1. Defendants removed the action to this Court on  
22 May 27, 2022. See ECF No. 1. Defendants filed their answer on June 6, 2022. See ECF No. 4.  
23 Without leave of Court or stipulation signed by all parties, Plaintiff filed a first amended  
24 complaint on August 4 ,2022. See ECF No. 9.

25 The Federal Rules of Civil Procedure provide that a party may amend his or her  
26 pleading once as a matter of course within 21 days of serving the pleading or, if the pleading is  
27 one to which a responsive pleading is required, within 21 days after service of the responsive  
28 pleading, see Fed. R. Civ. P. 15(a)(1)(A), or within 21 days after service of a motion under Rule

1 12(b), (e), or (f) of the rules, whichever time is earlier, see Fed. R. Civ. P. 15(a)(1)(B). In all  
2 other situations, a party's pleadings may only be amended upon leave of court or stipulation of all  
3 the parties. See Fed. R. Civ. P. 15(a)(2).

4 Here, the Court finds that Plaintiff's first amended complaint has been improperly  
5 filed. Plaintiff seeks to amend a pleading to which an answer is required and Defendants have  
6 filed their answer. Thus, to be considered filed as of right, Plaintiff's first amended complaint  
7 was due within 21 days of the date Defendants filed their answer, or by June 27, 2022. Plaintiff's  
8 first amended complaint, however, was not filed until August 4, 2022. The Court agrees with  
9 Defendants that, because it was not filed within 21 days of the date Defendants filed their answer,  
10 and because it was filed without stipulation or leave of Court, the first amended complaint was  
11 improperly filed and should be stricken.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. Defendants' motion to strike, ECF No. 10, is granted; and  
14 2. Plaintiff's first amended complaint, ECF No. 9, is stricken has having been  
15 improperly filed. This Order is without prejudice to Plaintiff's obtaining a stipulation of all parties  
16 to amend the pleading, or demonstrating good cause to amend and obtaining court authorization  
17 as required by statute.

18 Dated: September 20, 2022



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DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE

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